

S/N unknown

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: NISHIHARA et al. Serial No.: unknown  
Filed: concurrent herewith Docket No.: 8279.359USWO  
Title: OXYGEN-CONTAINING OPHTHALMIC COMPOSITION

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EV072822329US

Date of Deposit: 28 February 2002

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By 

Name: Chris Stordahl

PRELIMINARY AMENDMENT

Box PCT  
Assistant Commissioner for Patents  
Washington, D. C. 20231

Dear Sir:

In connection with the above-identified application filed herewith, please enter the following preliminary amendment.

IN THE ABSTRACT

Insert the attached Abstract page into the application as the last page thereof.

IN THE SPECIFICATION

An English translation of the present specification is enclosed herewith.

IN THE CLAIMS

Please amend claims 4-7, 10-12, and 14-16 as follows:

4. (Amended) The ophthalmic compositions according to claim 1, wherein the amount of oxygen present as dissolved oxygen and/or that contained in oxygen donor is 8.84 mg/l or above per liter of the composition at 1 atmospheric pressure, 20°C.

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5. (Amended) The ophthalmic composition according to claim 1, wherein the content of oxygen is at least 90% of the saturated dissolved oxygen in the presence of air at 1 atmospheric pressure.

6. (Amended) The ophthalmic composition according to claim 1, which is selected from the group consisting of eye drop, eyewash and contact re-wetting and/or wetting solution.

7. (Amended) The ophthalmic composition according to claim 2, wherein the oxygen donor is an oxygen carrier comprising captured oxygen.

10. (Amended) The ophthalmic composition according to claim 1, which further comprises at least one substance selected from the group consisting of inorganic salts, sugars, vitamins, amino acids, epithelial cell growth factors and oxygen scavengers.

11. (Amended) The ophthalmic composition according to claim 1, which is stored in a container impermeable or less permeable to oxygen.

12. (Amended) The ophthalmic composition according to claim 1, which is stored in an oxygen-permeable container that is encased in a package impermeable or less permeable to oxygen.

14. (Amended) The ophthalmic composition according to claim 11, wherein the container impermeable or less permeable to oxygen or the package impermeable or less permeable to oxygen comprises at least one substance selected from the group consisting of ethylene-vinyl alcohol copolymer, polyethylene naphthalate, and polyethylene terephthalate.

15. (Amended) The ophthalmic composition according to claim 11, which is packaged in a unit dosage container.

16. (Amended) The ophthalmic composition according to claim 1, which is useful for preventing or treating keratitis superficialis punctate, corneal vascularization, corneal epithelial erosion, acute corneal epithelial edemas, corneal infiltration or corneal endothelial disorders.

REMARKS

The above preliminary amendment is made to remove multiple dependencies from claims 4-7, 10-12, and 14-16.

A new abstract page is supplied to conform to that appearing on the publication page of the WIPO application, but the new Abstract is typed on a separate page as required by U.S. practice.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Marked-up Copy".

Applicants respectfully request that the preliminary amendment described herein be entered into the record prior to calculation of the filing fee and prior to examination and consideration of the above-identified application.

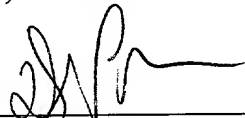
If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 371.5237.

Respectfully submitted,

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Dated: 28 February 2002

By



Douglas P. Mueller  
Reg. No. 30,300

DPM:hjh

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4. The ophthalmic compositions according to claim 1 [or 2], wherein the amount of oxygen present as dissolved oxygen and/or that contained in oxygen donor is 8.84 mg/l or above per liter of the composition at 1 atmospheric pressure, 20°C.

5. The ophthalmic composition according to claim 1 [or 2], wherein the content of oxygen is at least 90% of the saturated dissolved oxygen in the presence of air at 1 atmospheric pressure.

6. The ophthalmic composition according to [any one of ]claim[s] 1 [to 5], which is selected from the group consisting of eye drop, eyewash and contact re-wetting and/or wetting solution.

7. The ophthalmic composition according to [any one of] claim[s] 2 [to 6], wherein the oxygen donor is an oxygen carrier comprising captured oxygen.

10. The ophthalmic composition according to [any one of] claim[s] 1 [to 9], which further comprises at least one substance selected from the group consisting of inorganic salts, sugars, vitamins, amino acids, epithelial cell growth factors and oxygen scavengers.

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11. The ophthalmic composition according to [any one of] claim[s] 1 [to 10], which is stored in a container impermeable or less permeable to oxygen.

12. The ophthalmic composition according to [any one of] claim[s] 1 [to 10], which is stored in an oxygen-permeable container that is encased in a package impermeable or less permeable to oxygen.

14. The ophthalmic composition according to [any one of] claim[s] 11 [to 13], wherein the container impermeable or less permeable to oxygen or the package impermeable or less permeable to oxygen comprises at least one substance selected from the group consisting of ethylene-vinyl alcohol copolymer, polyethylene naphthalate, and polyethylene terephthalate.

15. The ophthalmic composition according to [any one of] claim[s] 11 [to 14], which is packaged in a unit dosage container.

16. The ophthalmic composition according to [any one of] claim[s] 1 [to 15], which is useful for preventing or treating keratitis superficialis punctate, corneal vascularization, corneal epithelial erosion, acute corneal epithelial edemas, corneal infiltration or corneal endothelial disorders.

## ABSTRACT

An oxygen-rich ophthalmic composition characterized in that it  
5 comprises oxygen and/or oxygen donor, wherein the amount of oxygen  
and/or oxygen contained in oxygen donor is 10 mg or above per liter of  
the ophthalmic composition, or the content of oxygen is at least 90% of  
the saturated dissolved oxygen, which composition is useful in  
prevention, alleviation, or treatment of ocular diseases, especially  
10 corneal diseases or disorders.

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